

REMARKS

In the Office Action mailed June 22, 2005, the examiner rejected applicant's claims 30, 32 and 38 for alleged obviousness under 35 USC 103, in view of the cited Tokunaga, U.S. Patent 5,168,281 and Hemingway, U.S. Patent 5,119,072 references. Claims 35-37, 41, 43 and 44 were allowed.

Claim 35 has been amended to simply make it more readable. Nothing substantive has been added or deleted.

Independent claims 30 and 38 positively recite the invention to include the elongated "strap having first and second opposite ends" in combination with the "securement means" for assembly with the strap. Specifically, the "securement means" has a "fastening element" engageable with a "fastening opening" in the "strap first end". In addition, and contrary to the cited references, the same "securement means" as claimed further defines "an opening extending therethrough for slide-through passage of said strap second end" (claims 30 and 38, emphasis added). No such additional "opening" extending through the securement means, for slide-through passage of the strap "second end" is disclosed or suggested in any way by the cited art.

The Tokunaga reference discloses a wristwatch style device having a main housing encasing an electronic receiver or the like, wherein this main housing is adapted for assembly with a wristband having an antenna encased therein. Screws 14 removably attach the band 2 to the main housing. Tokunaga shows only one side of the main housing and its attachment to the associated band 2; presumably, Tokunaga envisions a mirror image connection at the opposite side of the main housing to a second band 2.

Assuming this mirror image connection, there is no teaching or suggestion in Tokunaga that would permit a person practicing Tokunaga to attach the band 2 to the main housing while around a person's wrist in the snug yet comfortable manner claimed by the present invention. In order to secure the band in

Tokunaga, one would need to leave enough slack in the band to get the screw and a screwdriver between the band and a person's wrist. This would leave the band very loose about the person's wrist and be contrary to the purpose of the present invention. Alternatively, one would need to include another securement means, i.e., a buckle, in the band to permit a snug fit of the device in Tokunaga about a person's wrist. This would also be contrary to the purpose of the present invention because it would create a non-uniformity in the wristband and create discomfort for the wearer. A person having ordinary skill in the art looking to practice the present invention would not look to Tokunaga for guidance.

In addition, the Tokunaga reference does not disclose or suggest a "securement means" having "an opening extending therethrough for slide-through passage of said strap second end" (emphasis added), as recited in applicant's claims 30 and 38. As is clearly seen in FIGS. 1 and 2 of Tokunaga, the band 2 abuts against the casing 1 and connection terminal 4 extends into but not through the casing 1. The opening in Tokunaga cited in the Office Action, i.e. "(1a, the hollow portion which receives elements 7,11 and the opening at the other end similar to 1a)", does not permit "slide-through passage" of the strap, as required by claims 30 and 38. In Tokunaga, the opening 1a is blocked by the connector 5, the receiver 11, the resilient conductive member 12, and the cover glass 7. In fact, resilient conductive member 12 blocks the opening and prevents "slide-through passage" of the strap by design to create electrical contact with the connector 5.

Accordingly, applicant respectfully submits that claims 30 and 38 differentiate clearly and patentably from the cited Tokunaga reference.

Applicant notes the examiner's additional citation of the Hemingway patent to support the rejection of claims 30, 32 and 38 for obviousness. As understood, Hemingway has been cited for disclosing placement of a radio frequency circuit within a wrist-carried device. Hemingway does not disclose or suggest applicant's claimed "securement means" having the "opening extending

therethrough for slide-through passage of said strap second end" (emphasis added) as recited in independent claim 30. Accordingly, applicant respectfully submits that the Hemingway reference does not provide any teaching capable of overcoming the above-discussed deficiencies of the primary reference to Tokunaga.

In addition, the radio frequency identification circuit claimed in the present invention as "carried by said securement means" (claims 30 and 38) or "embedded within said securement means" (claim 32) is not taught by either Tokunaga or Hemingway. The radio frequency identification circuit claimed by the applicants is clearly much more compact than the transmitter of Hemingway or it could not be carried by or embedded within the securement means. The use of a radio frequency identification circuit according to the present invention would not present a protrusion or bulky element on the band. In contrast, Hemingway discloses the bulky radio transmitter, that comprises a voice encoder, a microphone, an audio amplifier, a radio transmitter, an rf oscillator, and an rf transmission antenna, all enclosed inside of a bulky housing. (col. 2, lines, 45-50). Clearly, such a device has a very high profile when worn on a wrist as depicted in FIG. 4. Thus, a person having ordinary skill in the art interested in building the current invention would not look to Hemingway for guidance.

As such, claims 30, 32 and 38 as now presented are patentable over any combination of the Tokunaga and Hemingway references.

Conclusion

In conclusion, in view of the foregoing remarks claims 30, 32, and 38 are submitted for reconsideration and allowance. A Notice of Allowance is believed to be in order, and is therefore respectfully requested.

Respectfully submitted,

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